

Remarks

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

Claim Status

Upon entry of the foregoing amendments, claims 8-13, 56, and 70-75 are pending in the application, with claim 8 being the independent claim. Claims 8 and 56 are currently amended. Support for the claim amendments can be found throughout the Specification. See, for example, at page 2, last paragraph of the specification as originally filed. Thus, no new matter is added by way of these amendments, and their entry is respectfully requested.

Rejection Under 35 U.S.C. § 102(b)

Claim 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by Maudru *et al.*, *J. Virological Methods* 66:247-261 (1997), ("Maudru"). Applicants respectfully traverse this rejection.

An anticipation rejection under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. See *Kalman v. Kimberly Clark Corp.*, 713 F.2d 760, 771 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). See also M.P.E.P. 8th ed., § 2131 (rev. 2, May 2004) ("To anticipate a claim, the reference must teach every element of the claim.").

The present claims are drawn to a method for synthesizing a nucleic acid molecule from a crude preparation containing RNA and double-stranded DNA, comprising:

a) mixing the crude preparation with one or more DNA polymerases, and one or more peptides or polypeptides having ribonuclease activity, wherein said peptides or polypeptides having ribonuclease activity are capable of degrading single-stranded RNA; and

b) incubating said mixture under conditions sufficient to synthesize a nucleic acid molecule complementary to all or a portion of said double-stranded DNA and under which said peptides or polypeptides having ribonuclease activity degrade said single-stranded RNA.

The Maudru reference does not teach a method that involves a **crude preparation** containing RNA and double-stranded DNA. In particular, Maudru does not disclose mixing a crude preparation with one or more DNA polymerases, and one or more peptides or polypeptides having ribonuclease activity, as is presently claimed. Rather, Maudru discloses adding master mixes containing DNA polymerase and RNase to the products of well-defined RT reactions performed using **isolated RNA templates of known sequence purchased from various commercial vendors**. See Maudru at page 249, section 2.1. Thus, Maudru's methods do not anticipate the presently claimed methods involving synthesis of nucleic acid molecules from **crude preparations** and Applicants request that the rejection under 35 U.S.C. § 102(b) be withdrawn accordingly.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw the presently outstanding rejection. Applicants believe that a full and complete reply has been made to the outstanding ground of rejection and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

Date: June 20, 2008

/Bernadette M. Perfect/

Reg. No. 53,267
Bernadette M. Perfect
Agent for Applicants

Invitrogen Corporation
5791 Van Allen Way
Carlsbad, CA 92008
(760) 476-7120